

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants.

Case No. 1:14-cv-00954-LCB-JLW

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Center for Constitutional Jurisprudence, by and through its counsel, pursuant to Local Rule 7.5, and respectfully moves the Court for leave to file an *amicus curiae* brief in support of Plaintiff’s Motion for Summary Judgment, filed on January 18, 2019 (Docket No. 158). In support of this motion, the Center for Constitutional Jurisprudence shows as follows:

1. The Center for Constitutional Jurisprudence has a special interest in this litigation and can offer its unique perspective to the Court.
2. The Center for Constitutional Jurisprudence is the public interest law arm of the Claremont Institute, whose stated mission is to restore the principles of the American founding to their rightful and preeminent authority in our national life, including the central importance of individual equality at issue in this case.

3. The Center has previously appeared before the Supreme Court as *amicus curiae* in several cases addressing similar equal protection issues, including *Fisher v. Univ. of Tex.*, 136 S. Ct. 2198 (2016) (*Fisher II*); *Schuette v. Coal. to Defend Affirmative Action, Integration & Immigrant Rights & Fight for Equal. By Any Means Necessary (BAMN)*, 572 U.S. 291 (2014); *Ricci v. DeStefano*, 557 U.S. 557 (2009); and *Grutter v. Bollinger*, 539 U.S. 306 (2003).

4. Proposed *amicus curiae* offers a valuable perspective on several of the issues in this case. Committed to restoring the constitutional design envisioned by our Nation’s founders, including the right to be treated equally by the government regardless of one’s race, the Center for Constitutional Jurisprudence represents: that the predicate of diversity once justifying the use of race in public university admissions has proved to be illusory; that governing precedents require that the University of North Carolina at Chapel Hill’s (“UNC-Chapel Hill”) affirmative action program be declared unlawful; that the Fourteenth Amendment’s original public meaning requires that all racial preferences in public university admissions be invalidated; and that the foundational principle of equality attending the Declaration of Independence is inconsistent with racial discrimination in public university admissions.

For the foregoing reasons, the Center for Constitutional Jurisprudence respectfully requests that the Court grant the motion for leave to file an *amicus curiae* brief.

Date: March 12, 2019

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Respectfully submitted,

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* Appearing by special appearance
pursuant to Local Rule 83.1(d)

Counsel for Proposed Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

/s/ Natalio D. Budasoff

Natalio D. Budasoff

Counsel for Proposed Amicus Curiae